

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

)	
)	Chapter 11
In re:)	
)	Case No. 00-1982 (GMS)
GST TELECOM INC., <u>et al.</u>,)	
)	Jointly Administered
Debtors.)	
)	
<hr/>)	
GST TELECOM INC., <u>et al.</u>,)	
)	Adv. Pro. No. 04-55890 (GMS)
Counterplaintiffs,)	
)	Civil Action No.: 04-CV-1380
v.)	
)	
JOHN WARTA,)	
)	
Counterdefendant.)	

**JOHN WARTA’S MOTION FOR PARTIAL SUMMARY JUDGMENT
REGARDING COUNTS I-IV OF GST’S AMENDED COUNTERCLAIM**

Counterdefendant John Warta (“Warta”), by and through his undersigned counsel, hereby moves the Court, pursuant to Fed.R.Civ.P. 56, for an order granting Warta summary judgment regarding Counts I-IV of GST Telecom, Inc., *et al*’s (collectively, “GST”) Amended Counterclaim. GST filed those counterclaims against Warta in this case after the applicable statute of limitations expired, and, therefore, those claims are time-barred as a matter of law.

This motion is supported by the accompanying Opening Brief in Support of John Warta’s Motion for Partial Summary Judgment Regarding Counts I-IV of GST’s Amended Counterclaim, and the Affidavit of Daniel L. Keppler in Support of John

Warta's Motion for Partial Summary Judgment Regarding Counts I-IV of GST's
Amended Counterclaim, each of which have been filed contemporaneously herewith.

DATED: March 15, 2005

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-and-

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CERTIFICATE OF SERVICE

I, Ricardo Palacio, Esquire hereby certify that, on the 15th day of March, 2005, I caused a true and correct copy of the attached *John Warta's Motion for Partial Summary Judgment Regarding Counts I-IV of GST's Amended Counterclaim* to be served upon below listed counsel by U.S. Mail, postage pre-paid, or in the manner so indicated.

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